

# SENATE BILL REPORT

## HB 3020

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As Reported By Senate Committee On:  
Ways & Means, February 25, 2008

**Title:** An act relating to benefits for the survivors of certain firefighters.

**Brief Description:** Providing benefits for the survivors of certain firefighters.

**Sponsors:** Representatives Chase, Conway, Fromhold, Bailey, Crouse, Lias, VanDeWege, Hurst, McDonald, Kenney, Simpson, Linville, Ormsby and Kelley; by request of Select Committee on Pension Policy.

**Brief History:** Passed House: 2/07/08, 94-0.

**Committee Activity:** Ways & Means: 2/25/08 [DP, w/oRec]

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller and Tom.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Schoesler.

**Staff:** Erik Sund (786-7454)

**Background:** The Firemen's Relief and Pensions System–1955 Act (FRPS) covered firefighters prior to the establishment of the statewide Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) in 1970. It is administered in part by firemen's pension boards in each fire protection district. It is commonly referred to as the Firemen's "prior act," and unlike the LEOFF, the benefits are not supported by a state fund. Each municipality that has members of the FRPS instead has a separate pension fund that supports the benefits owed to members and beneficiaries from that municipality. These funds are supported by revenue from 25 percent of the 2 percent state tax on fire insurance policies, and up to 45 cents per \$1,000 of assessed value from municipalities' property tax levies.

Members and the beneficiaries of members who left service after 1970 are generally entitled to the better of the benefits that were offered either by the FRPS or the LEOFF Plan 1; however, members who left service prior to the creation of the LEOFF Plan 1 in 1970 are entitled to benefits only from the FRPS.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The surviving spouses of members of the FRPS, who were killed in the line of duty, are entitled to a benefit equal to 50 percent of the deceased member's basic salary at the time of death. The surviving spouse of a member, who left service due to duty-related disability, is equal to the monthly pension the member was receiving at the time of the member's death. The surviving spouse of a member, who died as a result of a non duty-related disability, is equal to one-third of the basic salary the member was receiving at the time of the member's death, plus additional amounts for dependent children.

In all three cases members of the FRPS killed in the line of duty or disabled from further duty, the benefits to the surviving spouse cease if the surviving spouse remarries.

In 2002 LEOFF Plan 1 was amended to provide members the option of creating an actuarially reduced survivor benefit for a spouse who was otherwise ineligible for a survivor benefit from the plan. A significant category of spouses of LEOFF Plan 1 members who were ineligible for survivor benefits prior to the 2002 change were those who married the member after the member left service.

**Summary of Bill:** The line-of-duty death and disability benefits paid to the surviving spouses of members of the FRPS do not cease upon the remarriage of the surviving spouse. An actuarially equivalent optional spousal survivor benefit is created for members of the FRPS with spouses otherwise ineligible for survivor benefits under the plan. A member that chooses this optional benefit will receive a reduced retirement allowance until the member is deceased, and survivor benefits begin, or the designated spouse is deceased, and the survivor benefit reduction is removed from the member's benefit.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony (on companion Senate Bill 6650):** PRO: This bill would allowing surviving spouses of members of the FRPS to retain their pension benefits after remarriage. In doing so, it would spare them the difficult choice between forfeiting their benefit or remaining unmarried. Other plans have been modernized to allow survivors to retain their benefits after remarriage, so it is only fair to extend this provision to FRPS. The financial resources available in the system are more than adequate to pay for the change.

**Persons Testifying (on companion Senate Bill 6650):** PRO: Dick Warbrouck, Retired Firefighters of Washington.